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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,227	09/18/2003	Colleen Poerner	2002P15657US01	8462
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 08/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: COLLEEN POERNER, GEORG MUENZEL and
YUFENG LI

Application No. 10/666,227
Technology Center 2100

Mailed: August 4, 2009

Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed May 12, 2009, under the heading "Grounds of Rejection", is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The ground of rejection of the claims as provided in the Examiner's Answer includes a rejection for claims 1-41.

A review of the Examiner's Answer finds a new Ground of Rejection that has not been provided the required heading "New Grounds of Rejection" and which does not include the approval of the TC Director or his/her designee. *See Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, the Examiner's Answer sets forth a rejection for claim 41 as being rejected under 103(a); whereas the last Office action, including any mailed Advisory Action finds that claims 1-40 are rejected under 103(a). Claim 41 was not included in any statement of rejection. Correction of all Grounds of rejection for all claims is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed May 12, 2009;
- 2) generate a new Examiner's Answer which includes the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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